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OFFICE OF PETITIONS

In re Application of :
Schenk, et al. :
Application No. 10/789,273 :
Filed: February 27, 2004 :
Attorney Docket No. ELN-002CPCN3 :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, to withdraw the holding of abandonment and the petition under 37 CFR 1.59(b) to expunge papers in the application file, submitted January 28, 2005.

Regarding the petition under 37 CFR 1.181:

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed May 13, 2004. However, on February 15, 2005, the Office of Initial Patent Examination mailed a "Withdrawal of Previously Sent Notice" that stated:

"The Notice mailed on 05/13/2004 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice."

As such, the application is not abandoned and the petition under 37 CFR 1.181 to withdraw the holding of abandonment is dismissed as moot.

Regarding the petition under 37 CFR 1.59(b):

The petition is granted. The docket report (Appendix A of the accompanying Petition under 37 CFR 1.181 to withdraw the holding of abandonment) will be expunged from the application file.

The file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Edward Tannouse at (571) 272-3228.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy